UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

LOIS SUGAR, : CASE NO. 5:06-CV-8000

Plaintiff,

S. : OPINION & ORDER : [Resolving Doc. No. 1]

ABBOTT LABORATORIES, ABBOTT LABORATORIES, INC., KNOLL PHARMACEUTICAL COMPANY, GLAXOSMITHKLINE, P.L.C., RAGHU RAM, M.D., KENMORE FAMILY MEDICINE, L.L.P.,

Defendants.

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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

With this Opinion and Order, the Court grants summary judgment to Defendants Abbott Laboratories, Abbott Laboratories, Inc., Knoll Pharmaceutical Company, Glaxosmithkline, P.L.C., Raghu Ram, M.D., and Kenmore Family Medicine, L.L.P., on the basis established by the Court in its May 29, 2007 Order in the master case, *In re Meridia Products Liability Litigation*, 328 F. Supp. 2d 791 (N.D. Ohio 2004), a decision affirmed by the Sixth Circuit Court of Appeals. *See Meridia Prod. Liab. Litig. v. Abbott Labs.*, 447 F.3d 861 (6th Cir. 2006).

On August 28, 2006, the Judicial Panel on Multidistrict Litigation ("MDL Panel") transferred this case to this Court for consolidated pretrial proceedings. [Doc. 1.] Due to the timing of the MDL Panel's transfer of her case, the Court did not terminate Plaintiff Lois Sugar's ("Sugar") instant action against Defendants.

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Case No. 5:06-CV-8000

Gwin, J.

On May 29, 2007, the Court ordered Plaintiff Sugar to set out any new evidence or argument,

if any, as to why the Court should not dismiss her case pursuant to the reasoning provided by *In re*

Meridia, 328 F. Supp. 2d at 797-826. The Court allowed Plaintiff Sugar until June 20, 2007 to file

her brief. [Doc. 8.] On June 20, 2007, Plaintiff Sugar filed a brief in opposition to dismissal. [Doc.

9.] In her filing, Plaintiff Sugar directed the Court's attention to the affidavit and curriculum vitae

of Lawson F. Bernstein, Jr., M.D. Plaintiff Sugar already submitted these documents to the Court,

however, in support of her Motion to Remand the case to New York State Court on August 28, 2006.

[Doc. 2.] As admitted by Plaintiff, she "is mindful that these are not new submissions and [] does

not represent them as such." [Doc. 9.] On June 29, 2007, Defendants Abbott Laboratories, Abbott

Laboratories, Inc., and Knoll Pharmaceutical Company filed a response in support of dismissing this

case. [Doc. 10.]

Because Plaintiff Sugar has not submitted any new evidence or argument regarding why the

Court should not now dismiss her case, Plaintiff Sugar concedes that no basis exists for the Court

to distinguish her case from those already considered and rejected. See In re Meridia, 328 F. Supp.

2d at 797-826.

Therefore, the Court **DISMISSES** Plaintiff's claim as against Defendants.

IT IS SO ORDERED.

Dated: August 29, 2007

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

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